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Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction and Mission priorities

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), by which the Council established the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested me to report at regular intervals on the implementation of its mandate. The report covers the activities of UNMIK, and developments related thereto, from 16 July to 15 October 2018.

2. The priorities of the Mission remain to promote security, stability and respect for human rights in Kosovo and in the region. In furtherance of its goals, UNMIK continues its constructive engagement with Pristina and Belgrade, all communities in Kosovo and regional and international actors. The Organization for Security and Cooperation in Europe (OSCE) and the Kosovo Force (KFOR) continue to perform their roles within the framework of Security Council resolution 1244 (1999). The European Union Rule of Law Mission in Kosovo (EULEX) continues its presence in Kosovo, in line with the statement by the President of the Security Council of 26 November 2008 (S/PRST/2008/44) and my report of 24 November 2008 (S/2008/692). The United Nations agencies, funds and programmes work closely with the Mission.

II. Key political and security developments

3. During the reporting period, the President of Serbia, Aleksandar Vučić, and the President of Kosovo, Hashim Thaçi, reintroduced the notion of territorial delineation as part of their continued efforts to reach a comprehensive agreement on the normalization of relations. In their respective remarks at the European Forum in Alpbach, Austria, on 25 August, they both emphasized the need for such an agreement, which, they argued, might include territorial delineation.

4. In the context of territorial delineation, following a meeting with representatives of the Preševo valley region of southern Serbia on 26 July and in subsequent statements, President Thaçi called for the "legitimate demand of representatives of the Preševo valley to join Kosovo", to be discussed in the framework of the European Union-facilitated dialogue between Belgrade and Pristina. The President's pronouncements in favour of a "peaceful border correction" with Serbia provoked criticism from representatives of the opposition and civil society groups, as well as members of the governing coalition, including the Prime Minister of Kosovo,

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Ramush Haradinaj, who, during the reporting period, reiterated his opposition to any territorial changes.

5. On 12 September, the leaders of the Kosovo opposition parties Democratic League of Kosovo, the Movement for Self-Determination (Vetëvendosje), the Social Democratic Party of Kosovo and Alternativa addressed a joint letter to the European Union High Representative for Foreign Affairs and Security Policy, Federica Mogherini, expressing disagreement with the "border adjustment" proposal put forth by Presidents Vučić and Thaçi and warning about the potentially negative impact of "border adjustments" on peace and stability in the region. On 29 September, Vetëvendosje organized a protest march in Pristina against the proposal of President Thaçi to include "border adjustments" in any final agreement with Belgrade, with around 20,000 people reportedly in attendance.

6. On 6 October, the Kosovo Albanian members of the governing coalition agreed on a draft resolution setting out the position of Kosovo in the European Union-facilitated dialogue with Belgrade and the composition of the negotiating team of Kosovo. The draft resolution, inter alia, notes that the dialogue between Belgrade and Pristina should result in a legally binding agreement that would enable mutual recognition based on the "inviolable and unnegotiable borders" of Kosovo. The Serbian List and opposition parties did not support the draft resolution. Consequently, efforts within the Assembly of Kosovo to establish a broad-based negotiating team representing Kosovo at the European Union-facilitated dialogue with Belgrade remained unfulfilled by the end of the reporting period.

7. Statements by Serbian and Kosovo political leaders about territorial delineation caused concern among the Kosovo Serb communities, as well as disagreement between Belgrade officials and leaders of the Serbian Orthodox Church in Kosovo. In separate public appeals at the end of July, Bishop Teodosije of Raška-Prizren and the Abbot of the Dečani Monastery, Father Sava Janjić, criticized alleged plans for the "partition of Kosovo". On 12 August, however, the Serbian List declared that a "delineation with Kosovo Albanians would be acceptable if it guaranteed the rights and freedoms of Kosovo Serbs". In an open letter on 15 August, the mayors of the 10 Serbian-majority municipalities and members of the Serbian List expressed support for President Vučić in negotiating a compromise solution with Pristina.

8. The references by Presidents Vučić and Thaçi to territorial delineation also triggered reactions within the region and the broader international community, ranging from calls to let the parties explore all avenues towards a comprehensive settlement, to expressions of serious concern about the repercussions that any territorial adjustments might have for stability in the region.

9. In a separate development, on 13 September, the Prime Minister of Kosovo approved and submitted for consideration by the Assembly of Kosovo three draft laws on the transformation of the Kosovo Security Force into an army. President Thaçi, in expressing support for the initiative, called for close coordination with the international community on the issue. The Serbian authorities and the Serbian List, however, expressed strong opposition to the draft laws, reiterating their position that such a transformation would be in violation of Security Council resolution 1244 (1999).

10. During the reporting period, Kosovo institutions continued to work towards meeting the benchmarks set by the European Union in their respective areas. On 18 July, the Commissioner for Migration, Home Affairs and Citizenship of the European Commission, at a joint press conference with President Thaçi in Brussels, announced that Kosovo had fulfilled all required benchmarks for Schengen-area visa liberalization. On 13 September, the European Parliament voted to initiate negotiations with the Council of the European Union to liberalize the visa regime for

Kosovo. On 20 September, the Assembly of Kosovo approved a broad package of laws in line with the Instrument for Pre-Accession Assistance established by the European Union for Kosovo, which includes financial assistance in the areas of human rights, energy efficiency and the economy.

11. The security situation in Kosovo during the period under review remained calm, although intercommunity tensions were manifested in a number of incidents. On 28 August, a planned visit of displaced Kosovo Serbs to Gjakovë/Đakovica to mark "Assumption Day" in their former town was cancelled owing to safety concerns. According to Kosovo police, on that day approximately 70 Kosovo Albanians gathered in front of the Church of the Holy Virgin, the planned venue of the commemoration, to protest the visit; five of them were arrested for damaging property and obstructing the Kosovo police.

12. During the reporting period, the return of Kosovo fighters from conflict areas abroad continued to be a matter of concern. On 17 July, the Basic Court of Pristina convicted seven individuals for organizing and participating in terrorist groups, sentencing them to a total of 17 years and four months in prison. On 31 July, the Basic Court of Pristina convicted another defendant of attempting to join a foreign armed group, sentencing him to two years' imprisonment. On 5 October, the Special Prosecution Office of Kosovo filed an indictment against six individuals, including a woman, for allegedly planning terrorist attacks in Serb-majority areas and against KFOR troops. The defendants had been arrested in late June following a joint international police operation. On 10 October, one person was sentenced to one and a half years in prison for distribution via social media of materials in support of the Islamic State in Iraq and the Levant (ISIS).

III. Northern Kosovo

13. On 16 July, six months after the murder of Kosovo Serb politician Oliver Ivanović, which remained unsolved, friends and family attended a memorial service at the scene of the murder in North Mitrovica. Subsequently, on 30 August, the municipal assembly of North Mitrovica approved the renaming of a street after Mr. Ivanović.

14. On 8 August, the Director of the Government of Serbia's Office for Kosovo and Metohija, Marko Đurić, and the Secretary-General of the Presidency of the Republic of Serbia, Nikola Selaković, visited northern Kosovo, where they met with representatives of the Kosovo Serb community.

15. On 8 and 9 September, President Vučić visited the four northern municipalities of Kosovo. He addressed a public gathering in North Mitrovica, met with community representatives and visited the Gazivode reservoir and hydropower plant. A planned visit to the village of Banja/Banjë in the municipality of Skenderaj/Srbica had to be cancelled owing to protests and roadblocks organized by the Kosovo War Veterans Association. KFOR was present at the scene. President Vučić also laid a wreath at the site of Oliver Ivanović's murder.

16. On 29 September, President Thaçi also paid a brief, unannounced visit to the Gazivode reservoir, accompanied by Kosovo police, including special units, provoking strong reactions from both Kosovo Serbs and Belgrade officials. KFOR was present at the site of the visit, closely monitoring the situation. Following President Thaçi's departure, around 250 local Kosovo Serb political leaders and residents gathered at the Gazivode reservoir to protest the visit and the presence of Kosovo police special units. In a televised address on the same day, President Vučić said that Thaçi's visit was an "attack" by Pristina "paramilitaries" on the north and

violated the provisions relating to freedom of movement of the First Agreement of Principles Governing the Normalization of Relations (Brussels Agreement) of 19 April 2013 between Belgrade and Pristina, as well as Security Council resolution 1244 (1999). Serbian military and police units were reportedly placed on a heightened state of readiness in response to the visit.

17. On 10 October, Kosovo Serbs held a rally in North Mitrovica to mark 2,000 days since the adoption of the Brussels Agreement, which, inter alia, provides for the establishment of the association/community of Serb-majority municipalities. Over 1,500 people attended the rally, including municipal officials from northern Kosovo, Kosovo Serb members of the government of Kosovo and representatives of the Government of Serbia.

IV. Normalization of relations between Belgrade and Pristina

18. On 18 July, the European Union High Representative for Foreign Affairs and Security Policy hosted a high-level meeting of the European Union-facilitated dialogue between Belgrade and Pristina in Brussels. According to the communiqué issued by the European External Action Service after the meeting, Presidents Vučić and Thaçi "reviewed progress made in discussions on the framework of a legally binding agreement on comprehensive normalization of relations between the two sides". Following the meeting, President Thaçi stated that it had been the "shortest and most difficult meeting of the last six years". President Vučić expressed disappointment at what he described as "Pristina's uncompromising attitude" but noted that agreement had been reached on continuing the talks to find "a common denominator of a compromise solution".

19. On 4 August, the management team responsible for drafting the statute of the association/community of Serb-majority municipalities announced the completion of its work by the deadline set by Pristina. The team further indicated its readiness to share the draft document with both sides at a technical-level meeting in Brussels, which was not convened during the reporting period. Throughout the drafting process, Belgrade and Pristina maintained their opposing positions regarding the powers and competences of the association/community. On 13 August, Pristina's chief negotiator in the technical-level dialogue with Belgrade expressed dissatisfaction at the lack of information from the management team about the content of the draft statute and warned that Pristina might reject the draft if it were found to be incompatible with the Constitution of Kosovo.

20. On 7 September, President Vučić and President Thaçi met separately with the European Union High Representative in Brussels but declined to meet face to face. In her statement to the press after the meetings, the High Representative expressed confidence in the commitment of the sides to "reach in the coming months a legally binding agreement in line with international law". President Vučić and President Thaçi also stated that they would continue to meet separately with the High Representative until a joint meeting could take place. Earlier the same day, the Kosovo authorities had revoked their authorization for President Vučić to travel to the Gazivode reservoir during his planned visit to Kosovo on 8 and 9 September. Serbian officials protested the decision, and the government of Kosovo subsequently announced that the visit could proceed as planned.

V. Returns, reconciliation, cultural heritage and community relations

21. During the reporting period, the Office of the United Nations High Commissioner for Refugees (UNHCR) recorded 53 voluntary returns to Kosovo by members of non-majority communities (29 Kosovo Serbs, 16 Egyptians, four Montenegrins and four Bosniaks). This brings the total number of voluntary returns to Kosovo by members of non-majority communities since 2000 to 27,937 (13,707 women and 14,230 men). Challenges related to property restitution, allocation of land for housing construction, security and socioeconomic opportunities for returnees continued to have a negative effect on prospects for sustainable returns.

22. During the reporting period, there were renewed tensions between the Serbian Orthodox Church and the government of Kosovo owing to construction work on a road leading to the special protective zone of the Visoki Dečani monastery. On 26 July, representatives and Heads of mission in Kosovo visited the special protective zone of the Visoki Dečani monastery, together with the Minister of Infrastructure of Kosovo. In a statement issued after the visit, the representatives of European Union member States stressed that, prior to any activity affecting a special protective zone, the Implementation and Monitoring Council should be consulted and its decisions fully respected. The Implementation and Monitoring Council did not meet during the reporting period.

23. On 17 August, the Serbian Orthodox Church sent a letter to the municipality of Lipjan/Lipljan, objecting to the construction of a commercial building and residential units within the special protective zone of the Serbian Orthodox Church of the Presentation of the Virgin in Lipjan/Lipljan town. The Eparchy of Raška-Prizren requested the municipal department of planning, urbanism and environment to bring the matter to the attention of the Implementation and Monitoring Council. On 24 September, 250 Kosovo Serbs submitted a petition to the mayor of Lipjan/Lipljan opposing the plans by the municipal administration to construct an administrative centre for the Islamic community within the same special protective zone.

24. Following the decision of the Ministry of Internal Affairs of Kosovo, taken on 5 July, on civil registration of non-majority communities in Kosovo, the civil registry offices in Shtërpcë/Štrpce and Graçanicë/Gračanica municipalities began transcribing civil registration documents issued by Belgrade-sponsored institutions between 10 June 1999 and 14 September 2016, allowing affected residents to obtain Kosovo documents.

25. During the reporting period, UNMIK continued to monitor developments related to the rights of Ashkalija, Egyptian and Roma communities in Kosovo. On 7 September, the Ministry of Education, Science and Technology of Kosovo, with support from the European Union, announced 500 scholarships for Roma, Ashkalija and Egyptian secondary school students for the current academic year. Meanwhile, the trust fund to support the Ashkalija, Egyptian and Roma communities affected by lead poisoning in Kosovo, established in 2017 to follow up on the recommendations of the UNMIK Human Rights Advisory Panel, remained unfunded.

VI. Rule of law and human rights

26. On 16 July, the Court of Appeals of Kosovo confirmed an indictment against a former member of the reserve forces of the Yugoslav police or paramilitary unit for allegedly committing war crimes in the village of Krushë e Vogël/Mala Kruša between 15 and 26 March 1999. On 7 August, the Special Prosecution Office of Kosovo filed

an indictment before the Basic Court of Pejë/Peć against a former Serb police officer for allegedly committing war crimes against the civilian population in Klinë/Klina municipality during June and July 1998.

27. On 23 July, the Basic Court of Pristina acquitted the Minister of Economic Development of Kosovo of allegations that, as a public official in 2014, he had directed funds to a non-governmental organization that he had founded. On 25 July, the Basic Court of Gjakovë/Đakovica upheld an indictment against the Minister of Infrastructure of Kosovo alleging abuse of official position for distributing illegal subsidies in his capacity as mayor of Gjakovë/Đakovica but dismissed the criminal charge of "misappropriation in office". The Minister continued to hold his post while awaiting trial. Ensuring that public officials are held accountable for alleged abuses of power is an important demonstration of the commitment of the authorities of Kosovo to good governance. Fair and impartial trials of such cases help promote public trust in the institutions of Kosovo.

28. On 13 August, Special Prosecutor Elez Blakaj resigned over alleged political interference in and threats in connection with his investigation of several high-profile cases, including a case of suspected benefits fraud involving Kosovo Liberation Army veterans. The resignation triggered public protests in Pristina on 22 August and 26 September, in which demonstrators called for the resignation of the Chief Prosecutor and a review of the current list of Kosovo Liberation Army veterans maintained by the government of Kosovo. On 14 September, the Special Prosecution Office of Kosovo filed an indictment before the Basic Court of Pristina against 12 former members of the government commission responsible for verifying the veterans' status. They stand accused of abusing their official position by illegally issuing pensions, resulting in the loss of approximately €68 million. In addition, at the end of September, the Basic Court of Pristina issued separate investigative detention orders for two members of the Assembly of Kosovo for publicly intimidating members of the judiciary.

29. The Kosovo government commission responsible for the verification and recognition of the status of survivors of conflict-related sexual violence received 179 applications during the reporting period, of which 27 resulted in the granting of survivor status, 49 were rejected and 103 are pending verification. This brings the total number of applications received since February 2018, when the government of Kosovo officially opened the application process, to 782, with 137 women and 6 men having been granted survivor status and 103 applications rejected. The issue of reparations for survivors of conflict-related sexual violence was discussed at a workshop organized by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), with support from the European Union, on 15 October in Pristina.

30. At the request of the joint working group on persons who are unaccounted for in connection with events in Kosovo, UNMIK facilitated the provision from the Global Service Centre in Brindisi of a ground-penetrating radar system. It was deployed in August at sites proposed by the joint working group in an ongoing effort to identify potential grave sites.

VII. Women, peace and security

31. In early August, the issue of domestic violence attracted increased public attention in Kosovo following the alleged murder of a woman and her daughter by the woman's ex-husband in Gjakovë/Đakovica. Civil society groups organized demonstrations in Gjakovë/Đakovica and Pristina. On 24 August, the Security and Gender Group, a multi-stakeholder group chaired by UN-Women and comprising

international, government and civil society representatives, issued a statement calling for a strengthened institutional response to prevent violence against women. According to UN-Women, the true scope of the problem continues to be masked by underreporting owing to perceptions of domestic violence as a private matter, coupled with social stigma, fear of retaliation, lack of trust in competent authorities and economic dependence on the perpetrator.

32. During the reporting period, members of the Security and Gender Group supported amendments to the Kosovo Criminal Code to include a more comprehensive definition of domestic violence, and to the Law on Family to include provisions for the equal division of joint property. These amendments were approved by the first reading of the Assembly of Kosovo on 23 July. On 10 August, the mayors of Skenderaj/Srbica, Vushtrri/Vučitrn and South Mitrovica signed a memorandum of understanding pledging support for the improvement of physical and living conditions at the regional shelter for victims of domestic violence in South Mitrovica.

33. During the reporting period, a further step towards advancing the role of women in judicial institutions was taken with the establishment, on 5 September, of a women's association in the Kosovo Correctional Service. The Association seeks to promote women leaders in the Kosovo Correctional Service and improve the effectiveness of correctional institutions in Kosovo.

34. In the framework of the implementation of Security Council resolution 1325 (2000), on 15 September UN-Women, with support from UNMIK, organized a dialogue event with the Regional Women's Lobby for Peace Security and Justice in Southeast Europe and members of parliament from the region. The event provided a platform for women political and civil society leaders to discuss ways to empower women to advance peace and security, including by positively influencing ongoing political processes.

VIII. Partnerships and cooperation

35. During the reporting period, UNMIK, in close collaboration with the United Nations Kosovo Team, began a new cycle of programmatic activities in the areas of intercommunity trust-building, rule of law and human rights. United Nations partners in Kosovo jointly continued activities in support of law enforcement, correctional and court institutions, with a focus on equitable access to justice, integration of the judiciary, the combating of domestic violence and the strengthening of legal aid mechanisms.

36. Following the United Nations Kosovo Trust-Building Forum held in Ljubljana from 6 to 8 May, UNMIK, in partnership with the United Nations Kosovo team, provided strategic guidance and support to the realization of the initiatives identified by participants at the Forum. In July, UNMIK conducted six follow-up workshops to guide future action plans in each thematic area addressed at the Forum. Support for the action plans was integrated into the Mission's planned programmatic activities and coordinated with international partners, including the Council of Europe, the European Union, EULEX and the OSCE Mission in Kosovo. The report of the Forum was publicly released in September and presented by my Special Representative to the Prime Minister of Kosovo, who pledged the government's cooperation and support in the implementation of the recommendations of the Forum.

37. From 3 to 6 August, UNMIK provided training for the new members of the Kosovo Youth Task Force, with a focus on how to bring issues to the attention of local authorities, youth action councils, civil society representatives and religious community leaders. On 11 August, at the invitation of the mayor of

Kamenicë/Kamenica and with support from UNMIK, 120 youths from communities and representatives of the local authorities in Kamenicë/Kamenica participated in an open consultation to mark International Youth Day.

38. On 9 August, UNMIK, in partnership with the United Nations Kosovo Team, launched a documentary on the nexus between domestic violence and traditional interpretations of property rights at the Prizren film festival. The screening was followed by a panel discussion, which was moderated by the head of the UN-Women office in Kosovo and which included the Deputy Minister of Justice of Kosovo, a legal activist and one of the survivors featured in the film.

39. During the reporting period, UNMIK continued to provide document certification services, processing 634 documents, including 367 relating to pensions and 267 to civil status, such as high school and university diplomas, and marriage, birth and death certificates. UNMIK also continued to facilitate liaison between the Kosovo authorities and the International Criminal Police Organization. UNMIK received and processed six requests for the issuance of international wanted notices.

IX. Observations

40. I welcome the continued engagement of Belgrade and Pristina in the European Union-facilitated dialogue on normalization of relations. In acknowledging the challenges that leaders on each side face in the pursuit of a solution, I remain encouraged by their determination and commitment to resolving outstanding issues through dialogue and urge greater involvement of all segments of society on both sides in the process.

41. The European perspective continues to be vital for consolidating peace and stability in the western Balkans and for its people to realize their aspirations. In this respect, I wish to acknowledge the continued support and engagement of the European Union, including through the European Commission's western Balkans strategy and its facilitation of the normalization of relations between Belgrade and Pristina.

42. I welcome the work spearheaded by UNMIK, with support from the United Nations Kosovo team, towards implementation of the important recommendations reached at the United Nations Kosovo Trust-building Forum held in Ljubljana from 6 to 8 May. In this respect, I encourage continued engagement with the government of Kosovo, civil society, and bilateral and international partners to ensure their active support for intercommunity trust-building efforts in Kosovo. At the same time, UNMIK, working closely with the United Nations Kosovo team and international partners, should continue to contribute to societal reconciliation, which is crucial for stability in Kosovo and for the creation of conditions conducive to compromise. The empowerment of women, youth and civil society will remain at the centre of the Mission's efforts in this regard.

43. I am concerned at renewed tensions in connection with construction activities in the special protective zones. I call on all concerned to uphold their commitment to protect the religious heritage and reiterate the importance of addressing such matters in line with the legislation of Kosovo and decisions of the Implementation and Monitoring Council.

44. Domestic violence remains a serious concern in Kosovo. Addressing the root causes, as well as ensuring effective implementation of relevant legislation, requires sustained attention and genuine commitment from all institutional actors. I encourage the Kosovo institutions to take further initiatives to address domestic violence,

including by strengthening existing legislation and by increasing support for rights-based rehabilitation and reintegration of victims of domestic violence.

45. I note with regret the lack of response to the appeals of the United Nations for contributions to the trust fund established in support of the Roma, Ashkalija and Egyptian communities affected by lead poisoning in Kosovo. Contributions to the trust fund would be a tangible demonstration of international support for these vulnerable communities and their urgent needs.

46. I thank my Special Representative, Zahir Tanin, and all UNMIK staff for the energy, creativity and dedication they put into the Mission's work. I reiterate my gratitude to the long-standing partners of the United Nations in Kosovo, KFOR, OSCE, the European Union Special Representative and offices on the ground, and to the United Nations agencies, funds and programmes, for their continued teamwork and collaboration with UNMIK.

Annex I

Report of the European Union High Representative for Foreign Affairs and Security Policy to the Secretary-General on the activities of the European Union Rule of Law Mission in Kosovo from 16 July to 15 October 2018

1. Summary

Following the start of its new two-year mandate in mid-June 2018, the European Union Rule of Law Mission in Kosovo (EULEX) continued its reconfiguration, which will last six months and is due to end in mid-December. The Mission is undergoing a recruitment process for both international and local staff under the new structure and aims at reaching full operational capability by mid-December.

A major reconfiguration-related task consists in the finalization of the process for handing over to the local authorities of thousands of prosecution and police case files related to organized crime and war crimes.

At the same time, EULEX, in coordination with the European Union Special Representative/European Union Office in Kosovo, has been preparing the ground for a smooth transition of some of its monitoring functions to the European Union Special Representative/European Union Office in Kosovo. As the latter progressively recruits and deploys experts to assist the Kosovo Police Service, and the Judicial and Prosecutorial Councils and Civil Registry of Kosovo, EULEX counterparts will facilitate this process by briefing in detail their colleagues on the state of affairs and the challenges ahead in each of these rule of law institutions.

The process of reconfiguring EULEX goes hand in hand with progressively increased responsibilities relating to the rule of law on the side of the Kosovo counterparts. A case in point is the recent launch of Justice 2020, an initiative led by the Minister of Justice, in cooperation with the chairs of the judicial and prosecutorial councils of Kosovo and supported by the European Union Special Representative/European Union Office in Kosovo, EULEX, as well as the embassies of the United States of America and the United Kingdom of Great Britain and Northern Ireland in Pristina, to improve the performance and accountability of the justice system of Kosovo. EULEX will support this locally owned initiative by providing, under its new refocused mandate, its monitoring capability to the justice system.

2. Activities of the European Union Rule of Law Mission in Kosovo

2.1. Monitoring

EULEX has continued the monitoring of selected cases and trials in the Kosovo justice system, including, but not limited to, some of the transferred EULEX cases. Selected cases, handed over to local counterparts, have been monitored closely and assessed on their adherence to Kosovo law and human rights standards, among other legal criteria. When it comes to the handling of sensitive and/or high-profile cases, EULEX has identified a concerning tendency to terminate or amend proceedings in the interest of defendants without sufficient reasoning and/or any legal basis since EULEX phased out its investigative, prosecutorial and judicial functions in mid-June 2018. For instance, a high-profile defendant was recently released by the court from house arrest on the grounds that the prosecution had failed to request an extension of detention. According to article 193 of the Criminal Procedure Code, however, it is the court that has to examine ex officio whether the reasons for detention still exist.

As far as the Kosovo Correctional Service is concerned, the selection process for supervisors, senior supervisors and heads of units has been finalized, with only some selected candidates awaiting final approval by the Director General of the Kosovo Correctional Service. This is a positive development, as numerous staff members had been holding acting appointments for a long time, which had a great impact on the Service's efficiency. Moreover, the Service is going to publish a call for 120 new vacancies for correctional officers soon.

Preferential treatment of a select group of high-profile prisoners remains of concern. During the hospitalization of several high-profile prisoners at the University Clinical Centre of Kosovo, EULEX again observed a lack of adherence to the regulations by Kosovo Correctional Service officers. In response, EULEX provided senior management of the Service with a set of recommendations. These include the amendment of the current regulation on hospital guarding, which was agreed to start as a joint task in September; the provision of a specifically designed training programme and the reinitialization of the corresponding Kosovo Correctional Service internal oversight mechanism. A secure ward at the University Clinical Centre of Kosovo would also help to minimize the risk of preferential treatment, escape and unauthorized visits. However, the currently designated space for a secure ward is not in use.

There have lately been a couple of serious incidents in the Dubrava correctional centre, including the suicide of a prisoner in a psychiatric ward, raising concerns about medical treatment and the incident itself, and an escape by two prisoners, pointing to the negligence of the responsible Kosovo Correctional Service staff. In recent months, the Service has transferred 10 prisoners of Albanian ethnicity to the Mitrovica detention centre. Four Kosovo Correctional Service staff members of Albanian ethnicity have as a result also been transferred to the Centre, marking an important step towards establishing a multi-ethnic Mitrovica detention centre. The opening of the Pristina Detention Centre, which had been planned to be operational as of August, is, however, still pending owing to a lack of catering services. While the intention initially was to close the Lipjan/Lipljan Detention Centre and to use its staff and supplies in the Pristina Detention Centre, the plan to shut down the Lipjan/Lipljan Detention Centre has changed in the meantime and the Kosovo Correctional Service is looking for a new solution.

EULEX, in coordination with several local non-governmental organizations (NGOs), as well as local institutions and international organizations (including the Kosovo Women's Network, the Office of Gender Equality, UN-Women and the United States Department of Justice International Criminal Investigative Training Assistance Program), has contributed to the launch of the women's association in the Kosovo Correctional Service. The aim of the new internal Association is to advance the position of women within the Service, to raise awareness of and to promote gender equality and to offer professional development opportunities for women. Currently, women constitute 13 per cent of the Kosovo Correctional Service staff, and only a few of them hold decision-making positions. In line with the Law on Gender Equality, all public institutions in Kosovo are obliged to promote gender equality and ensure equal gender representation.

There has been no notable progress regarding the implementation of the integrated border management technical protocol facilitated by the European Union. All integrated border management meetings were cancelled by Belgrade in March until further notice. The establishment of the permanent common crossing points has continued, with the ongoing construction of two of the six common crossing points, namely Merdarë/Merdare and Mutivodë/Mutivode. The work on drafting the new integrated border management strategy/action plan for 2018–2023 is progressing. There has also been some headway made with regard to implementation of the

National Centre for Border Management development plan for 2014–2018, following formal approval of the review of the National Centre for Border Management and associated action plan by the Minister of Internal Affairs and the Integrated Border Management Executive Board.

EULEX continues to monitor, mentor and advise on the implementation of the freedom of movement agreements. The Mission conducted field visits to all civil registration and civil status offices in the four northern municipalities. While the civil registration offices for the issuance of documents, identification documents, passports, driver's licenses and vehicle registration are all operational, with former officers of the Ministry of Interior of Serbia being integrated and working, the civil status offices are operational only in the Albanian-majority areas and the integration into these offices of the now 37 officers formerly of the Ministry of Interior of Serbia has still not been completed despite budgetary arrangements being in place. EULEX has shared its findings with the local authorities, the Civil Registration Agency and the Ministry of Internal Affairs. EULEX has in these findings highlighted the particular importance of establishing the civil status offices and the administrative infrastructure to provide the respective services, as well as the recognition of the documents of birth, marriage, death and vehicle registration that were issued by Belgrade-sponsored structures.

As regards the newly integrated Basic Court of Mitrovica, the integration continues to proceed as per agreement. Language barriers have remained a significant obstacle, affecting case allocation. Progress was made in deploying additional translators to the Court and eventually the President of the Mitrovica Basic Court assigned more than 1,000 cases stemming from the 2001–2008 period and 500 cases stemming from November 2017 to the judges.

EULEX provided monitoring, mentoring and advising in response to the investigation of the murder of the prominent Kosovo Serb politician Oliver Ivanović, facilitating meetings between the Kosovo police and Serbian police to increase the exchange of information and cooperation on the investigation.

2.2. Operations

In view of the expiry of the previous mandate and the phasing out of executive judicial competencies of the Mission, EULEX judges either completed or handed over to local counterparts all the remaining cases prior to 14 June. The Mission progressed in the transfer of prosecution and police case files to Kosovo institutions. The handover is progressing towards completion by 14 December 2018.

In line with its new mandate, the Mission continues to provide support to the Kosovo Police in international police cooperation. In this regard, EULEX has facilitated exchange of information between the national central bureaus of the International Criminal Police Organization (INTERPOL) and the International Law Enforcement Coordination Unit of the Kosovo Police under the umbrella of the UNMIK INTERPOL Liaison Office. In addition, the Mission has provided recommendations to Kosovo Police in order to help Kosovo Police officers specializing in the field of illicit trade of works of arts; a study visit to Rome on the subject has also been conducted. The Mission has also maintained an information exchange with the Ministry of Interior of Serbia. However, the exchange of information regarding the Oliver Ivanović case remains challenging.

EULEX forensic experts are still waiting for a formal letter of invitation from the Ministry of Justice to continue assisting the local authorities in dealing with missing persons cases after the new EULEX mandate entered into force. At the end of July, the Ministry of Justice unexpectedly withdrew confirmation of a contract renewal for the local company that was providing technical support in conducting

field assessments with EULEX forensic experts, with a decision to republish the tender. While the selection process is still ongoing, this has resulted in the cessation of all field work as from the beginning of August. At the end of August, the acting director was appointed by the government as director of the Institute of Forensic Medicine, following a lengthy recruitment process resulting from a lack of interest from qualified candidates.

The EULEX formed police unit continues to maintain capabilities as a second security responder. In order to ensure operational readiness of the formed police unit, internal training sessions, as well as joint training sessions with Kosovo Police and KFOR, have been held.

3. Other key issues

Nothing significant to report.

Annex II

Specialist Chambers and Specialist Prosecutor's Office

During the reporting period, the Specialist Chambers made considerable steps towards the finalization of the Code of Professional Conduct for Counsel and the Legal Aid Regulations for the managed provision of legal assistance to accused and victims. The Specialist Chambers also continued monitoring the establishment of an independent representative body for all counsel admitted to practise before the Specialist Chambers. Counsel on the lists of specialist defence counsel and victims' counsel have set up a working group with the aim of defining the contours of the independent representative body.

The Specialist Chambers continued to take further steps to ensure transparency and access to information relating to future proceedings through the development of a dedicated database on its website for public access to public court records, which will allow searches in the three official languages of the Specialist Chambers (Albanian, English and Serbian).

The Specialist Chambers continued to promote its outreach activities in Kosovo and Serbia to increase knowledge of its mandate and procedure among civil society and to bolster direct communications with affected communities. From 16 to 19 July, the head of the Victims' Participation Office of the Specialist Chambers met with non-governmental organizations (NGOs) and civil society organizations in Kosovo, holding informational sessions with potential victims' communities. Between 3 and 8 September 2018, representatives of the Specialist Chambers travelled to different cities in Kosovo to engage in outreach activities, including a round table with youth, a meeting with local partners to plan future outreach activities and informational sessions for Roma, Ashkalija and Egyptian communities on the procedure for the participation of victims in proceedings before the Specialist Chambers. From 17 to 19 September 2018, representatives of the Specialist Chambers met with several victims' associations and held consultative meetings with NGO partner organizations in Belgrade to plan the future outreach strategy of the Specialist Chambers in Serbia. The representatives also met with the President of the Serbian Bar Association to prepare an informational session for Serbian counsel on the process of application for admission to the lists of counsel practicing before the Specialist Chambers.

During the reporting period, the Registrar was requested by the International Gender Champions to join the leadership network. The Registrar has pledged to further enhance gender mainstreaming in the Specialist Chambers and will host an outreach event to receive recommendations on the integration of gender issues into the provision of judicial support services.

The Ombudsperson for the Specialist Chambers and Specialist Prosecutor's Office, Pietro Spera, has increased the visibility of his office by publishing full details of the role and functions of the Ombudsperson on the Specialist Chambers website. In furtherance of his mandate, on 12 September 2018, the Ombudsperson adopted a code of professional conduct for the Ombudsperson, as well as a complaints procedure for persons alleging human rights violations as a result of their interactions with the Specialist Chambers and Specialist Prosecutor's Office. As part of his outreach strategy, the Ombudsperson undertook his first official visit to Kosovo from 3 to 5 October, holding a courtesy meeting with the Kosovo Ombudsperson and giving interviews to media outlets.

The judges of the Specialist Chambers conducted a three-day workshop hosted together with the National Institute for the Judiciary of Bulgaria between 26 and

28 September in Varna, Bulgaria, focusing on the efficient management of proceedings, interlocutory decisions and drafting of judgments.

In September 2018, the President of the Specialist Chambers met with the new Civilian Operations Commander and Director of the Civilian Planning and Conduct Capability of the European External Action Service in Brussels to provide updates on the latest developments at the Specialist Chambers. She also met with ambassadors of a number of European Union Member States.

The engagement of the Specialist Chambers with the host State and other external counterparts remains ongoing in relation to the renovation of and transition to the future premises of the Specialist Chambers in The Hague. The Registrar has regular contact and meetings with the Ambassador for International Organizations of the Netherlands, and the Ministry of Justice and Security of the Netherlands, to ensure that the services to be provided by the host State are available to the Specialist Chambers.

Jack Smith, a United States prosecutor with experience in international criminal investigations, took up his position as Specialist Prosecutor on 11 September. He succeeded David Schwendiman, the first Specialist Prosecutor and formerly the Lead Prosecutor of the Special Investigative Task Force, who stepped down at the end of March, when his term as a Senior Foreign Service Officer in the United States State Department expired. In the intervening period, the Deputy Specialist Prosecutor, Kwai Hong Ip, headed the Specialist Prosecutor's Office, leading the investigation into the allegations contained in the January 2011 report of the Council of Europe Parliamentary Assembly entitled "Inhuman treatment of people and illicit trafficking in human organs" and ensuring continuity.

Under the law establishing the Specialist Chambers and Specialist Prosecutor's Office, the Specialist Chambers has primacy over all other courts in Kosovo. The Specialist Prosecutor has, among other things, the authority to call upon the institutions of Kosovo to assist him. In addition, EULEX, under its new mandate, provides logistical and operational support to the Specialist Chambers and Specialist Prosecutor's Office. As the investigation moves forward, such assistance, as well as that of the Belgrade authorities, the European Union and the wider international community, will become increasingly important. The Specialist Prosecutor's Office requires the continued engagement and full support of the international community, international organizations and individual States in all its activities.

Annex III

Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo

(as at 1 October 2018)

Country	*Women*	*Men*	*Total*
Austria	1		1
Bulgaria		1	1
Finland		1	1
Germany	1		1
Hungary		2	2
Russian Federation	1	2	3
Turkey		2	2
Total	**3**	**8**	**11**

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo

(as at 1 October 2018)

Country	*Women*	*Men*	*Total*
Czechia	1	1	2
Poland		1	1
Republic of Moldova		1	1
Romania		1	1
Turkey		1	1
Ukraine		2	2
Total	**1**	**7**	**8**